

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

WALTER THIEMANN, et al,

Plaintiff,

v.

OHSL FINANCIAL CORP., et al,

Defendant.

Civil Action No. C-1-00-793

Judge Sandra S. Beckwith

**Magistrate Judge Timothy S. Hogan**

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**NOTICE OF FILING**

Defendant Keating, Muething & Klekamp, P.L.L. was dismissed from the litigation as a defendant by the Court's Order entered June 4, 2004 (T.d. 338) and is no longer a party to this litigation.

Nevertheless, KMK's counsel was served with correspondence from Plaintiff's counsel on June 22, 2004 and June 25, 2004 (attached as Exhibit A) indicating that he was requesting a status conference with the Court to raise numerous discovery issues, among other issues, related to purported discovery disputes with respect to third party subpoenas for depositions and documents served on KMK.

On June 29, 2004, KMK submitted a detailed correspondence to Plaintiff's counsel (attached as Exhibit B) explaining its discovery position; confirming that it was not participating in the June 30, 2004 status conference; and outlining why the discovery should not go forward at this time.

Respectfully, KMK is no longer a party to this litigation and should not be required to expend fees and costs associated with continued participation in status conferences.

Furthermore, it is premature and inappropriate for Plaintiff's counsel to raise discovery issues

regarding non-party KMK who will not be participating in the June 30, 2004 status conference absent appropriate and full motion practice under Rule 45.

Respectfully submitted,

/s/ Thomas W. Breidenstein

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*Attorney for Defendants,*

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*and Mark A. Weiss*

### **CERTIFICATE OF SERVICE**

I hereby certify that on this 29th day of June, 2004, a copy of the foregoing NOTICE OF FILING was filed electronically. Notice of this filing will be sent to all parties by operation of the court's electronic filing system. Parties may access this filing through the court's system.

/s/ Thomas W. Breidenstein

Thomas W. Breidenstein (0064299)